

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID R. KITTAY,

Plaintiff,

-v-

JOSEPH KORFF,

Defendant.

Case No. 08 CV 7421 (RPP)

DECLARATION
OF CARL W. OBERDIER

Carl W. Oberdier declares the following under penalties of perjury:

1. I am a partner of the firm Schiff Hardin LLP, attorneys for Defendant Joseph Korff ("Defendant") in the above-captioned matter. I have actual knowledge of the facts set forth herein. I make this declaration in support of Defendant's Motion for Judgment as a Matter of Law, pursuant to Fed. R. Civ. P. 50(b), or in the alternative, for a new trial pursuant to Fed. R. Civ. P. 50(b) and 59(a).

2. Attached as Exhibits A through K are true and correct copies of the following:

Exhibit A: Excerpts from the transcript of the trial held in this matter from October 25, 2010, through October 28, 2010.

Exhibit B: Defendant's Trial Exhibit ("DX") T.

Exhibit C: Excerpts from Plaintiff's Trial Exhibit ("PX") 75 and DX R. These Exhibits were filed under seal, and confidential information not relevant to this case has been redacted from the pages attached to this Declaration.

Exhibit D: DX B.

Exhibit E: PX 45.

Exhibit F: PX 50.

Exhibit G: PX 48.


Exhibit H: PX 49.

Exhibit I: PX 43.

Exhibit J: PX 44.

Exhibit K: Transcript of Hearing before the Honorable Adlai Hardin, Jr. held on January 7, 2009, in *Kittay v. McLean*, Adv. Pro. No. 08-08205 (Bankr. S.D.N.Y.).

Executed on March 17, 2011


CARL W. OBERDIER